

EXHIBIT A

Repealed Sections:

~~17.21.060 Alteration of final plats.~~

~~When any person is interested in the alteration of any subdivision within the city or the altering of any portion thereof, except as provided in RCW [58.17.040](#)(6), that person shall submit an application to the city of Sequim planning department.~~

~~The application shall be in conformance with requirements established in RCW [58.17.215](#), [58.17.217](#), [58.17.218](#), [58.17.225](#) and [58.17.275](#). (Ord. 2007-014 § 2)~~

~~17.24.170 Amendment.~~

~~An approved binding site plan may be amended upon application to the planning director. The applicant must make the request to amend the binding site plan in writing. The planning director shall approve the amendment if it meets all of the following criteria:~~

~~A. No new building pads are proposed;~~

~~B. No building shall be greater than 10 percent larger than shown of the final binding site plan; and~~

~~C. The amendment would not result in increased amounts of traffic, nor propose circulation patterns which are different than those proposed by the original application, nor significantly increase or cause unanticipated environmental impacts.~~

~~All amended site plans shall meet the requirements associated with a final site plan as described in SMC [17.24.120](#). All amendments shall be numbered successively (i.e., first amendment to the binding site plan).~~

~~If the proposed amendment does not meet the above referenced criteria, a new binding site plan application shall be required. (Ord. 98-005 § 4)~~

NEW SECTIONS

Vacation and Alteration of Final Plats.

Sections:

- 17.25.010 Purpose/Conflicts.
- 17.25.020 Administration.
- 17.25.030 Procedure.
- 17.25.040 Requirements for a Complete Application.
- 17.25.050 Criteria for Approval.
- 17.25.060 Time Limitation for Final Decision.
- 17.25.070 Recording.

17.25.010 Purpose.

A. The purpose of this chapter is to regulate and allow vacation or alteration of approved final plats and approved binding site plans. It does not allow modification or revision of preliminary plats or preliminary binding site plans. The procedure for vacation of plats does not apply to the vacation or alteration of any plat of state-granted tide or shore lands.

B. When the vacation application is specifically for a city street, the procedures for street vacations in RCW 35.79 RCW shall be utilized for the street vacation. When the application is for the vacation of the plat or binding site plan together with the roads/streets, the procedure for vacation in this chapter shall be used, but vacations of streets subject to RCW 35.79.035 may not be made under this procedure.

C. Nothing in this Chapter is intended to conflict with Washington State law, RCW 58.17 as now enacted or hereafter amended. If any portion of this Chapter conflicts with state law, state law shall control.

17.25.020 Administration. The Director, or designee, is authorized and directed to administer the provisions of this chapter. The authority to approve, approve with conditions or deny proposed plat and binding site plan vacations or alterations is granted to the City Council after a public hearing.

17.25.030 Procedure. The following steps shall be followed in the processing of vacation or alteration applications.

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| A. | 20.01.130 | <u>Submission and acceptance of application –
Determination of completeness, Additional information
and project revisions;</u> |
| B | 20.01.140 | <u>Application review – Notice of application – Referrals;</u> |
| C. | Title 16 | <u>Environment;</u> |
| D. | 20.01.140 | <u>Application review – Notice of application – Referrals.
– See 10. and, 20.01.170 Application review – Scope</u> |

		<u>of review;</u>
E.	20.01.190	<u>Notice of Public Hearing (see <i>a/so</i>, additional public hearing notice below);</u>
F.	20.01.100	<u>Type B and Type C-1 and C-2 procedures – Quasi-judicial decisions – Process overview;</u>
G.	20.01.200	<u>Procedures for public hearings;</u>
H.	20.01.230	<u>Final decision; and</u>
I.	20.01.240	<u>Appeals</u>

Additional Notice of Public Hearing. In addition to the notice provided above, the City shall provide notice of an application for vacation or alteration to all owners of property within the subdivision (excluding the owners of property submitting the application), and as provided for in RCW 58.17.080 and 58.17.090. The notice shall establish the date of the public hearing.

17.25.040 Requirements for a Complete Application. The following materials shall be submitted to the City for a complete application:

A. Vacation Application:

1. Date, name, address and telephone number of the applicant and/or property owner;
2. The reason(s) for the proposed vacation;
3. Signatures of all parties having an ownership interest in the subdivision or that portion of the subdivision proposed to be vacated;
4. If the subdivision or binding site plan is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for the vacation would result in the violation of a covenant, the application shall include an agreement signed by all parties subject to the covenants, which provides that the parties agree to terminate or alter the restrictive covenants to accomplish the purpose of the vacation of the subdivision or portion thereof;
5. Acknowledgement that if any street is included in the application for a vacation, that the applicant shall be required to pay the amount contemplated in RCW 35.79.030, if the vacation is granted;
6. A copy of the approved plat or binding site plan sought to be vacated, together with all plat or binding site plan amendments recorded since the date of the original approval;
7. A recent title report for each property affected by the vacation, confirming that the title of the lands as described and shown in the proposed vacation area is in the name of the owner(s) signing the application; and
8. If the vacation is for a portion of the subdivision or binding site plan, the applicant must demonstrate that the partial vacation will not violate the terms of subdivision or binding site plan approval or this Chapter.
9. Electronic version of all submittal documents on optical disc, flash drive or downloadable from ftp site, in either Adobe PDF or Microsoft Word format.
10. An application fee.

B. Alteration Application.

1. Date, name, address and telephone number of the applicant and/or property owner;
2. The reason(s) for the proposed alteration;
3. Signatures of the majority of those persons having an ownership interest in the lots, tracts, parcels, sites or divisions in the subdivision proposed to be altered;
4. If the subdivision or binding site plan is subject to restrictive covenants which were filed at the time of the approval of the subdivision or binding site plan, and the application for the alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants, providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or binding site plan;
5. A copy of the proposed plat sought to be altered, together with all plat amendments recorded; and
6. A recent title report for each property affected by the vacation, confirming that the title of the lands as described and shown in the proposed vacation area is in the name of the owner(s) signing the application.
7. If the alteration is for a portion of the subdivision or binding site plan, the applicant must demonstrate that the alteration will not violate the terms of subdivision or binding site plan approval or this Chapter
8. Electronic version of all submittal documents on optical disc, flash drive or downloadable from ftp site, in either Adobe PDF or Microsoft Word format.
9. An application fee.

17.25.050 Criteria for Approval.

A. Vacation Criteria.

1. *Vacation.* The plat or binding site plan vacation may be approved, approved with conditions or denied after a written determination, with findings and conclusions, is made whether the public use and interest will be served by the vacation. If any portion of the land contained in the subdivision or binding site plan was dedicated to the public for public use and benefit, such land, if not already deeded to the City, shall be deeded to the City as a condition of approval, unless the City decision-maker shall make findings that the public use would not be served in retaining title to those lands. Easements established by a dedication are property rights that cannot be extinguished or altered without the approval of the easement owner or owners, unless the plat, binding site plan or other document creating the dedicated easement provides or an alternative method or methods to extinguish or alter the easement.
2. *Street Vacation.* When the vacation application is specifically for vacation of a City street, the City's street vacation procedures (and/or the procedures in chapter 35.79 RCW) shall be utilized. When the procedure is for the vacation of a plat

or binding site plan together with the streets, the vacation procedure in this chapter shall be used, but vacation of streets may not be made that are prohibited under RCW 35.79.035 or the City's street vacation ordinance.

3. *Title to Vacated Property.* Title to the vacated property shall vest with the rightful owner as shown on the county records. If the vacated land is land that was dedicated to the public, for public use other than a road or street, and the legislative authority has found that retaining title to the land is not in the public interest, title thereto shall vest with the person(s) owning the property on each side thereof, as determined by the legislative authority. When the road or street that is to be vacated with contained wholly within the subdivision or binding site plan and is part of the boundary of the subdivision or binding site plan, title to the vacated road or street shall vest with the owner(s) of property contained within the vacated subdivision or binding site plan.

B. Alteration Criteria. The alteration may be approved, approved with conditions or denied after a written determination, with findings and conclusions, is made whether the public use and interest will be served by the alteration. If any land within the alteration area is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.

17.25.060 Time Limitation for Final Decision. A vacation or alteration application shall be approved, approved with conditions or denied within one hundred-twenty (120) days after a complete application has been submitted, unless the applicant consents in writing to an extension of such time period.

17.25.070 Recording. After approval of the alteration or vacation, the City shall order the applicant to produce a revised drawing of the approved alteration or vacation of the short plat, final plat or binding site plan. The Council shall authorize the Mayor to sign the approved short plat or final plat, and then the City shall file it with the County auditor at the applicant's cost, to become the lawful plat of the property (or to vacate the previously approved plat). The Director shall sign the approved binding site plan and arrange for filing with the county auditor at the applicant's cost.